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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,570	01/21/2000	William J. Baer	STL000021US1	5998

7590

09/24/2003

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EXAMINER

PHAM, HUNG Q

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,570

Applicant(s)

BAER ET AL.

Examiner

HUNG Q PHAM

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-22, 26-47 and 51-72 is/are allowed.
- 6) ☒ Claim(s) 23-25, 48-50 and 73-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 22.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/24/2003 has been entered.

Response to Arguments

2. Applicant's arguments filed 07/24/2003 have been fully considered but they are not persuasive.

As argued by applicants: Duwaer et al. patent does not disclose, teach or suggest the features recited in claims 23-24, 48-49 and 73-74.

Examiner respectfully traverses because of these reasons:

As shown in FIG. 4, the track [159] as a file object with a list of track name as content entity identifiers, the tracks as content entities that are stored could be identified by their track names, and this indicates the step of *retrieving the file object containing the list of content entity identifiers, wherein each content entity is stored as an individually accessible file object within the data repository; for each content entity identifier, retrieving the individually accessible file object corresponding to the identified content entity*. As shown

in FIG. 5 is a layout example after a selection had been made of the same *compilation creation tab*. The selecting has been effected by mousepointing and clicking on any of the lines in the attribute display of FIG. 4. Button 62 controls the adding of the selected item to the compilation. Button 66 removes all items from the compilation list. Button 70 allows storing the result of the compilation operation: the user is thereupon prompted to give the compilation a name. Button 68 is used to remove a particular item from the compilation (Col. 4, lines 10-65). Thus, the content and the order of a track in a music compilation as the content object could be altered by adding, or removing with the modification of presence and position of *track* names as content entity identifiers within the list by clicking the *reset* button, or in other word, this technique indicates the step of *enabling modification of the presence and position of content entity identifiers within the list by a user to alter the content and hierarchy of the content object; and inserting the content entity into the ordered list at the location of its content entity identifier.*

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 23-25, 48-50 and 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duwaer et al. [USP 5,959,627].

Regarding to claims 23, 48 and 73, Duwaer teaches a method, computer program, and a system that allows for fast and carefree compiling in a database that may easily run into many hundreds of audio items (Col. 1, lines 25-29). As shown in FIG. 2 is a layout example of a *select tracks tab* that is used for creating a library in the database. Through mousepointing, a user can *select* the items for storage. FIG. 3 is a layout of an *input track information tab* that is used after the selection according to FIG. 2 has been effected. Field 140 specifies the tracks selected in FIG. 2, and highlights one thereof for further specifying. Field 142 specifies the title of the highlighted track. Fields 144 specify *the performer, the source, the type, the genre, the period, the ensemble, the soloist person and the solo instrument*. Fields 146 specify successively *the publisher, the distributor, the release year, the composer and the conductor*. The contents of these

Art Unit: 2172

fields can be inputted through typing on the PC keyboard. In certain circumstances the data in question may be derived from the medium itself, such as from a table of contents. As shown in FIG. 4 is a layout example of a compilation creation when *Compilation Creation tab* is selected. The selection field has fifteen attributes: *type, performer, source, publisher, distributor, period, composer, conductor, genre, type of medium, soloist, instrument, ensemble, release date, and track name* (Col.2, line 49-Col. 4, line 10). Thus, the track [159] as an identifier file object with a list of track name as content entity identifiers, the tracks as content entities that are stored could be identified by their track names, and the Duwaer technique as discussed above indicates the step of *retrieving the file object containing the list of content entity identifiers, wherein each content entity is stored as an individually accessible file object within the data repository; for each content entity identifier, retrieving the individually accessible file object corresponding to the identified content entity*. Duwaer does not explicitly teach the steps of *enabling modification of the presence and position of content entity identifiers within the list by a user to alter the content and arrangement of the content object; and inserting the content entity into the ordered list at the location of its content entity identifier*. However, as shown in FIG. 5 is a layout example after a selection had been made of the same *compilation creation tab*. The selecting has been effected by mousepointing and clicking on any of the lines in the attribute display of FIG. 4. Button 62 controls the adding of the selected item to the compilation. Button 66 removes all items from the compilation list. Button 70 allows storing the result of the compilation operation: the user is thereupon prompted to give the compilation a

Art Unit: 2172

name. Button 68 is used to remove a particular item from the compilation (Col. 4, lines 10-65). Thus, the content and the order of a track in a music compilation as the content object could be altered by adding, or removing with the modification of presence and position of *track* names as content entity identifiers within the list by clicking the *reset* button, or in other word, this technique indicates the step of *enabling modification of the presence and position of content entity identifiers within the list by a user to alter the content and hierarchy of the content object; and inserting the content entity into the ordered list at the location of its content entity identifier*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method, program and system by including the steps of enabling modification for altering the content and arrangement of the content object, and by doing this, the method, computer program, and the system allows a user adding or removing the tracks for creating a compilation.

Regarding to claims 24, 49 and 74, Duwaer teaches a method, computer program, and a system that allows for fast and carefree compiling in a database that may easily run into many hundreds of audio items (Col. 1, lines 25-29). As shown in FIG. 2 is a layout example of a *select tracks tab* that is used for creating a library in the database. Through mousepointing, a user can *select* the items for storage. FIG. 3 is a layout of an *input track information tab* that is used after the selection according to FIG. 2 has been effected. Field 140 specifies the tracks selected in FIG. 2, and highlights one thereof for further specifying. Field 142 specifies the title of the

highlighted track. Fields 144 specify *the performer, the source, the type, the genre, the period, the ensemble, the soloist person and the solo instrument*. Fields 146 specify successively *the publisher, the distributor, the release year, the composer and the conductor*. The contents of these fields can be inputted through typing on the PC keyboard. In certain circumstances the data in question may be derived from the medium itself, such as from a table of contents. As shown in FIG. 4 is a layout example of a compilation creation when *Compilation Creation tab* is selected. The selection field has fifteen attributes: *type, performer, source, publisher, distributor, period, composer, conductor, genre, type of medium, soloist, instrument, ensemble, release date, and track name* (Col.2, line 49-Col. 4, line 10). This technique indicates the step of ***retrieving the individually accessible file object corresponding to the identified content entity for each content entity identifier***. Duwaer does not explicitly teach steps of ***enabling modification of the presence and position of content entity identifiers within said list by a user to alter the content and structure of the content object; and inserting the content entity into the ordered list at the location of its content entity identifier***. However, as shown in FIG. 5 is a layout example after a selection had been made of the same *compilation creation tab*. The selecting has been effected by mousepointing and clicking on any of the lines in the attribute display of FIG. 4. Button 62 controls the adding of the selected item to the compilation. Button 66 removes all items from the compilation list. Button 70 allows storing the result of the compilation operation: the user is thereupon prompted to give the compilation a name. Button 68 is used to remove a particular item

Art Unit: 2172

from the compilation (Col. 4, lines 10-65). Thus, the content and the order of a track in a music compilation as the content object could be altered by adding, or removing with the modification of presence and position of *track* names as content entity identifiers within the list by clicking the *reset* button, or in other word, this technique indicates the step of *enabling modification of the presence and position of content entity identifiers within the list by a user to alter the content and hierarchy of the content object; and inserting the content entity into the ordered list at the location of its content entity identifier*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Duwaer method, program and system by including the steps of enabling modification for altering the content and arrangement of the content object, and by doing this, the method, computer program, and the system allows a user adding or removing the tracks for creating a compilation.

Regarding to claims 25, 50 and 75, Duwaer teaches all the claimed subject matters as discussed in claims 24, 49 and 74, Duwaer further discloses the step of *assigning an identifier to the content object; and assigning new content entity identifiers to the content entities, the new identifiers including the identifier assigned to the content object* (Col. 4, lines 47-50, and FIG. 5).

Allowable Subject Matter

5. Claims 1-22, 26-47 and 51-72 allowed.

The following is an examiner's statement of reasons for allowance:

The closest available prior arts, USP 5,959,627, issued to Duwaer et al. also teaches a file structure for storing a hierarchically structured content object capable of being produced by a processing system and having a plurality of content entities to facilitate content adjustment. However, as in claims 1, 26 and 51, Duwaer fails to teach or suggest *the arrangement of the content entity identifiers within the list corresponds to a content object hierarchical structure including at least one hierarchical tier and at least one subordinate tier*. In claims 11, 36 and 61, Duwaer fails to teach or suggest *each container represents a hierarchy tier and includes at least one content entity identifier forming a subordinate hierarchy tier*. Therefore, the invention is allowable over the prior arts of record for being directed to a combination of claimed elements including the providing steps as indicated above.

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 703-605-4242. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM Y VU can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2172

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hung Pham
September 2, 2003



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100